

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GUSTAVO MARIN,

Plaintiff,

-v-

4-10 BOGARDUS CORP., et al.,

Defendants.

CIVIL ACTION NO. 24 Civ. 5495 (DEH) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

On October 31, 2024, the parties submitted a proposed order consenting to the undersigned's jurisdiction for purposes of an anticipated motion for settlement approval (the "Motion"). (ECF No. 29). Because this case contains one or more claims arising under the Fair Labor Standards Act, the parties' Motion must address whether the settlement is fair and reasonable pursuant to the requirements of Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015).

By **Tuesday, December 3, 2024**, the parties must file their Motion, which should address the claims and defenses, Defendants' potential monetary exposure and the bases for any such calculations, the strengths and weaknesses of Plaintiff's case and Defendants' defenses, any other factors that justify the discrepancy between the potential value of Plaintiff's claims and the settlement amount, the litigation and negotiation process, as well as any other issues that might be pertinent to the question of whether the settlement is reasonable (for example, the collectability of any judgment if the case went to trial).

The Motion should also explain the attorney fee arrangement, attach a copy of any retainer agreement, and provide information as to actual attorneys' fees expended (including

billing records and costs documentation). Finally, a copy of the settlement agreement itself—as well as proof that the agreement was translated into Plaintiff’s primary language—must accompany the Motion.

Dated: New York, New York
November 19, 2024

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge